

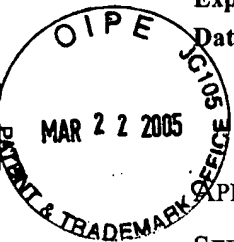
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Attorney Docket No.: 26448-509

03-23-05

1614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Wagle, *et al.*

SERIAL NUMBER: 10/038,113

EXAMINER: Cybille Delacroix-Muirheid

FILING DATE: December 31, 2001

ART UNIT: 1614

FOR: METHODS FOR TREATING GLAUCOMA IV B

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified application:

1. Response to Notice of Non-Compliant Amendment Under 37 CFR §§ 1.121 (1 pg);
2. Copy of Notice of Non-Compliant Amendment Under 37 CFR §§ 1.121 (2 pgs);
3. Compliant Amendment and Response timely filed October 1, 2004 (13 pgs);
4. Return Postcard.

Applicants believe no fees are due with this submission. However, the Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 26448-509). A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

Matthew P. Elrifi Reg No. 59,572

Ivor R. Elrifi, Reg. No. 39,529

Attorney for Applicants

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Dated: March 22, 2005

E-V47-S 174933VS
Date of Deposit: 3/22/05



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,113	12/31/2001	Dilip Wagle	361331-509	5392

30623 7590 03/17/2005

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
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EXAMINER	
DELACROIX MUIRHEI, CYBILLE	
ART UNIT	PAPER NUMBER
1614	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<input checked="" type="checkbox"/> Data Entry	Date by AD
<input checked="" type="checkbox"/> Docket Entry	4/11/05
<input type="checkbox"/> Docket Group Off	
<input type="checkbox"/> Previously Covered	9/17/05 Final
<input type="checkbox"/> No Preceding Den.	
<input type="checkbox"/> Filing	
<input type="checkbox"/> Amendment	

RECEIVED

MAR 21 2005

MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT.



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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10/1/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present. C/m. 10 missing
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: New clms added should be 11 + 12.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Flavene Patterson
Legal Instruments Examiner (LIE)

571-272-0544
Telephone No.